

**Department of Corrections
Prison Issues Board
Board of Pardons & Parole
Deer Lodge, MT
March 23, 2010**

DOC Director Mike Ferriter, Warden Mike Mahoney - MSP, Warden Steve Ray - DCCF, Deputy Warden Ross Swanson - MSP, Deputy Warden Robert Paul - MWP, Warden Sam Law - CCC, Patrick Smith CPB Bureau Chief and PIB Chairman, Lt. Roger Handa - GFRP, Kara Sperle, Lena Havron, Kris Studeny, Colleen Ambrose, Myrna Kuka, Ken McElroy, Andrew Olcott, Ira Eakin, Mary Greene and Heidi Crowe

Members of the General Public – Carol Deschon, LaVonne Deschon, Barbara Rose, E. Gaglioni, Dick Motta

Patrick Smith – Welcome and Introductions

Ira Eakin welcomed the public to our meeting. He asked them to please hold their comments and questions until the public comment period of the meeting.

Legislative, Management Team and Advisory Council updates - Director Ferriter

Leg – planning process is in effect for upcoming session for 2011. Our legislation is due by April 1st to the Director. The only piece of legislation pending is a piece clarifying pre-release and community corrections. The Law and Justice Interim Committee has been very active with the DUI topic. There has been a lot of emphasis on 1st, 2nd and 3rd DUI's. The next L&J meeting is in April and they will discuss sex offenders. There will be a panel of community corrections people at the meeting. We are all aware that the Advisory Council has been taken out of the budget. A total of three councils were eliminated.

The Director complimented Patrick Smith and his crew with the handling of the legislative contract audits. Community Corrections did not do so well and will be meeting with Pat on the audits.

We have a decrease in our budget of about six million dollars. We are anticipating the Governor will accept our proposed budget. We proposed cutting the MWP Meth Treatment Center from 40 to 32 beds and eliminating all second year per diem increases. This was very controversial.

Population – handout

The Director handed out a population report done by the Pew Center. Nationally, the number of state offenders dropped. Montana has maintained the prison population. As a state, we are focusing on things we have been doing for a long time. We make sure our inmates are appropriately classified. We are looking at alternative sanctions and managing our numbers appropriately.

Division Updates – Warden Mahoney

There has been a problem with the introduction of cell phones at facility. Some states have proposed legislation to make this a felony. We are not there yet. The Warden is concerned about this problem within the secure care system. We are seeing this with all facilities. There is the possibility of “Jamming” the cell signals. With this, no service is available within an entire area. Warden Ray said there is new technology coming out that will show if a cell phone is on sight and in use.

With spring coming, we need to remind out staff to be on the look-out for pruno.

Warden Mahoney recognized Pat Smith and all of his staff on the audit report that came through. There are tough challenges coming for all of us with the budgets. We need to do more with less and be vigilant in what we do.

Policy Issues and Updates – Mary Greene

Handout

We have made the transition to the intranet sight for policies. Dean Smail is getting the policies on the internet and the intranet. Let Mary know if you see something that needs attention, or if you have a problem opening a policy. The list Mary passed out is of outdated DOC policies that still need to be revised. We are trying to have a broader overarching approach to the department level policies. These are things everyone in the system needs to do based on standards, statutes and best practice.

Pat Smith has been watching the policies as we are updating and revising them, and then sending the policies to the monitors and administrators at the facilities. There are some real specific policies, such as offender pay, coming up. This will affect everyone and we need everyone's participation.

Warden Law said that in an effort of partnership, CCC will accept the offender pay policy. CCC will adopt this policy.

Lena Havron passed out a handout of inmate jobs and starting wages for each facility. One of the things we are striving for is consistency across the board. Lena would like volunteers to work on the policy. DW Swanson and Andrew Olcott will be helping. Lena would like someone from every facility to work on this. If you are part of this, and cannot attend, have a designee. Warden Ray will help. Warden Law and Roger Handa will get someone from their facilities. DW Paul will participate from MWP.

DW Swanson said that Lena and Mary have found our rates are pretty consistent with other states. We have tried in past legislative sessions to get more money for inmate pay and have not been successful. We have a good pay system in place; it just needs to be coordinated and adjusted a little.

Lena Havron will ask an IT person look at this for OMIS.

Andrew Olcott said there is a completely new policy coming out in July regarding this. Some of his inmate jobs are PIE programs that are set up differently. DW Swanson said the more we can standardize this, it makes it easier during legislative times to have a handout on inmate positions to be able to clearly explain what we are doing. This is valuable information for Legislators. It would make it easier to explain our programs and numbers of inmates in them.

MWP has some positions that will need to be looked at.

Grievance Review – Kris Studeny

Handout

The grievance department has been working on a new report format for FY 2010. This will go online during FY 2011 at about the same time as the OMIS tab for grievance. They are working towards consistency and accuracy through-out the facilities. The other facilities have been very receptive to the changes. The report Kris handed out has been sent to all the facility grievance officers.

Director Ferriter complimented Kris and the other grievance coordinators. The process is improved and is a lot easier to follow. DW Swanson does a very thorough job with the grievances. This is a big effort and the Director appreciates how everyone is handling grievances.

Kris said that at MSP, we have been meeting quarterly to review grievances. He would like to include the other facilities in this. This way, they could look at trends and keep everyone using the same format doing the same things. This allows the grievance people to address issues before they become bigger problems. Kris recently worked on a report looking at other states. Our state does a very good job. The grievance officers work very hard to make our system effective.

The final report will be out as soon as Kris gets the questions and comments. This should not be very long.

DW Swanson said that one of the things the grievance staff has been working on is having the inmates state the case in their grievance, and then having a reasonable resolution. At MSP, the grievance may not be granted, but there could still be an issue that needs addressed. Those are the things we would need to address at quarterly meetings. Grievance and disciplinary are things that can make or break the facilities.

Approved magazine list for facilities – Colleen Ambrose

Colleen has done some reviews and needs additional time to write a legal opinion. She would like to defer this agenda item to another time, hopefully the next PIB meeting.

Discussion of procedures of how inmates order/receive books – Warden Law

Warden Law would like to re-address how books are ordered for inmates. At CCC, there have been about three occasions where the books are purchased and sent in with drugs in the bindings of hardback books. If the mailroom had not caught this, the drugs would have been sent in. The books were originally ordered from Hastings, then repacked and sent to an inmate as if they were coming directly from Hastings. There is a huge issue with drugs being sent in. The size of books also needs to be addressed. Huge books and very heavy books can be used for harm of inmates and staff. Warden Law would like to have the inmates order their own books, no outside orders.

Mary Greene thought the policy already said that. Warden Law said there had been a change. Colleen Ambrose said there was an understanding that book orders could be sent directly from the vendor.

Warden Law said the books came to his facility as if they had been sent from Hastings. Warden Ray said if the inmate had placed the order there would be tracking and they would know what books should be coming and who had ordered them.

Lt. Handa said Great Falls had experienced the same problems. He proposed, if the inmates are ordering things, they could all send the requests to MCE and have MCE order the items like they do for canteen and music. This would be more secure whether it is commissary, books or magazines.

Warden Law said that in these times, most books available in hardback are also available in softback. We have to make exceptions with college course books and other things.

Warden Mahoney said we have to be able to control what comes into our facilities. Warden Law agreed and commented about the problem with cell phones being brought in. There was a case somewhere of a 22 pistol being concealed in a cell phone.

Warden Ray would like to find a way to control the way things are ordered through third party(s).

Lt. Handa said Cascade is not allowing any hardback books. CCC was going to do the same thing, but thinks we need to come to a consensus resolution. This is a huge security concern. Anytime contraband is introduced inmates and staff get hurt.

DW Swanson said there is also a problem with books that are initially allowed to come in, then disallowed. The whole process needs to be looked at. There are certain books that are not going to be allowed in.

Warden Law recently disallowed four books about techniques for breaking restraints.

Pat Smith said that whatever we do, we need to be consistent. We have to do it in the best way possible.

Colleen Ambrose would be willing to look at this. There is case law about hardback books. We need to look at the policy regarding third party ordering.

Warden Mahoney said this is a security issue.

Colleen Ambrose would like input about what everyone has found. The security majors will need to look at this too and send their comments and concerns with this issue to Colleen.

DW Paul said MWP does not allow any other books in other than college books.

Lt. Handa said even though the books are being purchased from a vendor, the way they get sent in is a problem.

DW Paul would like to have books sent in from MCE, this would clean it up.

Pat Smith summarized by saying that everyone will have their security people gather any and all information related to this and get it to Colleen. He would like them to get this information to Colleen in two weeks if possible. Colleen will need at least a month to put something out on this. It will impact DOC Policy. Give Colleen a month to work with everyone and have a proposal at the next quarterly meeting. Colleen would like any examples the facilities are seeing.

Roundtable discussion on inmate/facility issues

Warden Steve Ray - DCCF

In Glendive, they had found inmates that had tobacco. This led to an investigation. The cell phone issue is huge. Two employees were fired, and one is being charged with 12 felonies. It is also important to know as much information about gangs as possible.

Pat Smith said that when the issue was looked at, the gang members were manipulating things in the facilities. You have to invest money in training to stay on top of this. The gangs wanted to control the cell phone that was at the facility.

Andrew Olcott – MCE

MCE opened up the new canteen building. This is working out really well. They are able to pack more orders in a day due to the physical layout. MCE is adapting to the economic times right now. Many state agencies are not ordering furniture and upholstery. They have had to reduce the numbers of workers. They are adjusting with the ebb and flow as orders are received. One of the first things cut back on were new furniture orders from state agencies. They have seen an increase in repairing furniture and orders from county agencies.

Kara Sperle/Lena Havron – Fiscal

Handout – Budget Status Report

The monthly budget status report for the facilities is complete. These numbers do not include any of the Governor's office proposed reductions. The numbers will probably change. We need to contain costs. Per diem will be frozen. This is across the board. Community Corrections is faced with the same thing.

Program three is where facilities get paid out of – that is where contracts get paid out of. The legislators reduced our bed budget last session.

During the August PIB meeting, we met with Montana Interactive. Lena has a follow-up two hour meeting with Montana Interactive; this is the program for putting money electronically on an inmate's books. This program does not cost the department any funding. This would be an extremely secure way for inmates to receive money from people. Lena will establish a work group. During the first meeting with Montana Interactive, the liability piece was an issue. The Department would be responsible.

Warden Mahoney said that with Montana Interactive, it is an opportunity to have a tighter system and allows the families of offenders to conveniently put money on offenders books.

We are trying to establish a global fund with IWF. The MASC contract needs to be updated. We would like a pool of money that is kept separate for re-entry of offenders who are being released. There are concerns with funding levels from MASC that need to get taken care of before we can do anything. They will get this taken care of and are still pursuing this issue. We have to wait for MASC to get settled.

Director Ferriter said that we think that at MASC, we may be able to eliminate some placements at the pre-release centers and go directly to community.

Warden Sam Law - CCC

CCC had the one inmate on staff assault and the employee should be back to work within a month.

CCC is preparing for the third ACA re-accreditation. April 12th is when the auditors will walk in. There are two standards that probably will not pass that have to do with SMU, these have been there since the opening of the facility.

DW Paul - MWP

MWP just went through some adjustments in their Org. chart based on an audit. They are managing their man-hours a little better. It seems to be working good. The transition should go smooth. There have been some issues with property. People from the LDS church wanted a religious ring available to purchase for the inmates. DW Paul went through the standards and could not find anything that would allow a religious ring. This issue should probably be brought up at the security chiefs meeting. They are aware that if they add items to the property list, they must take items off the list.

MWP went through creating a therapeutic community. There is an incentive process to help move inmates through system. They are going to have IWF pay for purchasing a Wii and a couple of games. The inmates at MWP did not like the pod incentive, but liked the individual incentive program.

Warden Sam Law will send DW Paul information regarding the incentive program with the video games that CCC uses.

A situation came up at MWP, and DW Paul is wondering if they need a breath test kit. This would be for use with inmates and staff. At this point, they have to wait for local law enforcement to come in. Sometimes this takes a while. They hate to spend money for something that may collect dust.

Director Ferriter said P&P has this equipment, but it wouldn't do any good at 4:00 in the morning because it would not be available. Passages also has this equipment and they may be able to work something out with them.

Colleen Ambrose said that her recollection is the state and DOC policy is if there is reasonable suspicion, you can ask to take the test. If refused, then subject to the rules.

Mary Green said Policy 3.1.20 is the offender drug testing policy. It does have a small section on breathalyzer and alcohol testing. This relates to offenders, not staff.

There has been a lot of conversation about POST certification stuff. Who needs to be certified and who does not.

Director Ferriter said there was a Use of Force Consortium Training and this is very important for our policy.

DW Paul said the Use of Force Policy needs to be looked at. Getting things standardized, consistent and applicable is important.

Pat Smith said the Use of Force Consortium Training had to be rescheduled. There will be minutes available. Ken McElroy will get these out to everyone.

Director Ferriter said there was an eight bed reduction for female meth inmates. There are 30 beds available at MWP right now. With a 6.8 million dollar budget reduction, we can manage 8 more offenders at MWP and it will not cost us that much more. Therapeutic community and treatment are not exactly the same, but can be managed together.

Warden Mahoney - MSP

There are four juveniles at MSP that have been adjudicated as adults. He worries about placing them in a big institution. We have assessments and classification to appropriately place these inmates. We have transferred a majority of these offenders to Pine Hills. There was one from YCDF that shot a law enforcement officer in the head with a bb gun. He was well behaved at MSP and was sent to Pine Hills. Staff from the Justice Department came to MSP and they were looking at our stats for violent offenders. They took a tour of the industry compound and went to tool control. All the tool cribs were in order and chitted out properly. Staff and inmates were very proud and happy to show what they were doing.

MSP is in the process of working on accreditation for the National Commission on Correctional Health Care. A great deal of work has been done. We have submitted our requests regarding this.

There have been a few personnel issues.

Construction projects – in twenty years, there has never been so much construction at once. There is construction in max and on the high and low sides. They are working on elevators, ADA standards and security issues. DW Swanson has put a lot of work into this.

DW Swanson said MSP has a lot of construction going on. Everyone has to cooperate. There are lots of ADA issues being worked on that are tied to the Langford Settlement. There is expansion going on in max for the retherm unit. They are working on additional classrooms, working on the library and moving visiting to a new location. This will allow for better supervision during visiting. A couple projects were deleted through budget cuts. There were emergency generators and food service cuts. There has been a lot of work with contractors and they must follow rules or their workers will be gone. Carl Nelson has done a good job with this. He is the one that makes it all work.

Warden Mahoney said the count at MSP today is 1431. We have to drop the count to empty cell blocks for construction. We will see this on the county jail hold for a while. It is necessary though. Kara Sperle said this has been accounted for in the budget.

DW Swanson wanted to touch on what Warden Ray had said about the rise of gang activity and contraband going into the facility. Contraband comes into the facility through visitors, contracted staff, and staff. There are also drop offs to inmates in the ranching area and some of this filters into the facility through inmate crews. Drugs, tobacco and cell phones do get in and as we see it, we deal with it. A lot of times, small issues get made into big issues and we just have to deal with them. A lot of these things take staff away from the actual duties they should be doing.

Lt. Roger Handa – Great Falls

Cascade County is doing fairly well. They are dealing with political issues. Bill Nevins is the new unit manager at the state end of the facility. They have a new grievance officer. His name is Bill Komar and he has some experience with grievance procedures. The medical for the facility is still through Spectrum.

IWF account updates, requests, funding reviews and new business – Lena Havron

Handout

The annual IWF budget request forms have been passed out for the facilities. Take these back to the facilities and bring your requests to the next meeting. That meeting will be right before the new fiscal year. Lena also gave out current balance sheets. The numbers look pretty good.

Pat Smith said they have used the funds approved for the Power Grant at DCCF and CCC. The \$12000 will pay for all the equipment and installation for the education programs for Vision Net. Warden Law said this is an excellent program for the inmates. Warden Ray said they have started a virtual welding program at DCCF.

The money has to be used for that, not anything else. Vision Net has to be used primarily for education, but during off hours, it can be used for training etc. The IT Department needs to be involved. The money is for the Vision Net equipment and the installation, but the facilities will have to pay for the annual \$4000.00 usage fees out of their local IWF funds. Contact Mike Raczkowski with any questions. This helps to maintain consistency with programs for the inmates. If the inmates get transferred, they should be able to finish their program. Lt. Handa may send someone from Great Falls to Shelby to look at what they have set up.

Lena Havron said there is still a policy being worked on to create a global fund for this and other things. Remember you cannot spend more than you have in your IWF accounts.

Lt. Handa said we should be using Vision Net more often, but the courts are mandating them to transport inmates back instead of using Vision Net.

Colleen Ambrose asked if we are transporting for arraignments or sentencing. She said the defendant has to be present for sentencing.

Lena Havron asked again if everyone would bring their annual IWF budgets to the next meeting.

CCC has no IWF requests for this meeting.

MWP will bring the request for Wii stuff to the next meeting. If they are spending less than \$2500, then he does not need to bring the proposal to the PIB, but he must make sure he stays within the policy for how he is spending the money and have the Wardens approval.

MSP – Warden Mahoney has a couple IWF proposals.

Handout – STEPS Program

The handout is a one year proposal for each facility to have the STEPS Program.

Warden Ray asked if MSP will be doing the training for STEPS?

To be a facilitator, you must go through the Investment in Excellence Program (IIE). You must also be certified. There are two staff members at MSP who are certified trainers. After going through the IIE, the person/people must go through training with our staff members.

Warden Ray asked if after the staff go through this training, can they return to DCCF and train staff there?

Warden Mahoney said all staff will eventually go through the program. In addition, inmates will go through. Staff and inmates go through the same type of training.

MWP budgets training to make sure everyone goes through IIE.

Warden Mahoney would like DCCF to look at the STEPS information and see how long it will take to get through the program.

Kara Sperle said we will have to look at the global pool of IWF money and see how much money we have to allocate to this. We need to prioritize what is best for the facilities.

Lena Havron said we should take this information and set up a work group. Warden Ray, Warden Mahoney, Chris Ivins and Sue Orand from MWP will be a part of this work group, Lena will spearhead this group. There is no one from Great Falls yet, as they are still negotiating their contract.

Patrick Smith asked is it part of the proposal to take money from the global funding or have each facility pay?

Warden Law said perhaps the facilities with the larger budgets can help those with the smaller budgets.

Lena Havron said the group would go through the mapping process and then figure out where we are at.

DW Paul thought we should run this by the treatment folks.

Warden Mahoney said everyone should make sure your inmates are okay with using IWF money for this. This will be assigned to the work group and they will bring suggestions to the next PIB meeting.

Director Ferriter complimented Gayle Lambert and her people for this program. He went through the program and was very impressed. Warden Mahoney and Gayle Lambert volunteered and went through the training. The program has good dividends. If you have not attended the graduation, you should have someone from every facility attend.

MSP has another IWF request, but it will be tabled for now.

MSP would like to purchase library books for the high side, low side, WRC and Max. The total dollar amount is \$7500. This is for library materials. All books available to the unit would be in the unit, in a locked satellite type library. They would rotate the books.

Director Ferriter asked if reference materials would be included.

Warden Mahoney said it would be regular library books. Recreational reading material. Right now there is a book cart, and it is a very slow process.

Warden Law moved to approve this request.

Warden Ray seconded the motion.

All approved, none opposed.

Public Comment Period

Ira Eakin, who is the staff attorney for DOC, said there has been some confusion about public access to meetings etc. On the DOC web site there is a MSP tab and from there a Prison Issues Board tab. Minutes from these meetings are available there. This includes the meeting date and the agenda as it gets closer to the next meeting. There is also a way for interested persons to be put on list. Myrna Omholt-Mason in the Central Office maintains that list. Ira will be getting a set of rules and guidelines for how these meetings are set up and ran. Statutes allow for oral and written comment. We ask that comments be directed to items discussed today. We welcome constructive comments and criticism. People have questions and there is no one person that can answer all questions. The website has a contact list for questions. You can submit questions through the website or in writing through Director Ferriter or Patrick Smith.

Barbara Rose – Where is the approved magazine list located so we know what can and cannot be sent? Does IWF pay inmate wages or does the state. As a person who goes to the institution – there has never been a clear and concise policy posted regarding the visiting policy. Can one be posted? When is the contract for the phone up? Why does CCC have Global Link and MSP has PCS? Why does PCS not have the same charges as Global Link?

Carol Deschon – When you come in to visit, and you have to wait at checkpoint, then wait in the lobby, then the waiting room at MSP. The room is tiny and overcrowded. When waiting, and officer got smart with her and she got smart back. She is not an inmate and should not be treated this way.

Elaine Gagliardi – The public would go to more meetings if they knew when they took place. The public should be involved in this. They should be able to make suggestions after each item on the agenda. There should be an open session for questions. As far as guidelines, the Governor opened these meetings up several years ago.

Director Ferriter would like to put on the record that the DOC has had an Advisory Council since the 80's and that was well attended by the public. Those people were non-department employees. This (PIB) is a business meeting. The other meeting took a lot of information from the public. This meeting is a little different. This is the secure facilities group only.

Patrick Smith said he does appreciate the public comments. We have never had anyone say they wanted to attend these meetings in the past.

Barbara Rose said we are members of the public. We don't live there (prison). Their (inmates) issues come home with us.

Carol Deschon said she has never received a phone call back when she has called the prison.

Attached are the public's written comments and questions that were submitted.

End of public comment period.

STG task force update – Rob Kersch

This portion was not open to the public as it is confidential due to the high security risk information discussed as it relates to Security Threat Groups inside of the prisons.

Handouts

There is a share-point sight that contains all STG documentation. A new sight is being developed and will be available at the end of April. Rob gave a summary of where the STG offenders are located and a breakdown of the numbers.

Warden Law asked if the prison system and the local police departments are working to develop a database of confirmed STG offenders within the facilities and the known ones that have been released into the community? This was discussed among the members.

Lt. Handa said the Great Falls Police Department has their Drug Task Force involved with Lt. Hess at MSP, and they track where the local STG members are located.

The next meeting will be in Helena on the 23rd of June. A meeting place and time will be announced as we work out the details.